CORRESPONDENCE

RESPECTING THE

REGISTRATION OF COLONIAL VESSELS

AT

HONG KONG.

Presented to both Houses of Parliament by Command of Her Majesty.
1857.

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1857.

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Correspondence respecting the Registration of Colonial Vessels at Hong Kong.

No. 1.

Governor Sir J. Bowring to Sir G. Grey.

Sir, *Hong Kong, March* 9, 1855.

THE Lieutenant-Governor will in the due order of correspondence send you an Ordinance No. 4 of 1855, for the regulation of registers granted in the Colony for vessels under the British flag.

The question presents grave difficulties; a vessel no sooner obtains a register than she escapes Colonial jurisdiction; carries on her trade within the waters of China; engages probably in every sort of fraudulent dealings, and may never appear again to render any account of her proceedings, or to be made responsible for her illegal acts.

The Imperial Act which now regulates the conditions upon which registers are to be granted, affords in these regions no adequate security against the unlawful use of the British flag, and the object of the Ordinance is, as far as possible, to provide such local guarantees as appeared compatible with the general regulation of Parliamentary authority, and are necessitated by the peculiar condition of public affairs in China.

I take the liberty of forwarding this short explanation on a matter in which my functions as Superintendent of British Trade in China required special attention to the subject from the Governor and Legislative Council of Hong Kong.

I have, &c.
(Signed) JOHN BOWRING.

No. 2.

Lieutenant-Governor Caine to Sir G. Grey.

Sir, *Victoria, Hong Kong, March* 10, 1855.

I HAVE the honour to forward the usual number of copies of Ordinance No. 4 of 1855, entitled "An Ordinance to establish a proper system of Registration for Colonial Vessels."

His Excellency Sir John Bowring, who presided over the Legislative Council while this Ordinance was discussed and passed, has already written a despatch in explanation.

I have, &c.
(Signed) W. CAINE.

Inclosure in No. 2.

Ordinance.

HONG KONG.

ANNO DECIMO OCTAVO VICTORIÆ REGINÆ.

No. 4 of 1855.

By his Excellency Sir John Bowring, Knight, LL.D., Governor and Commander-in-chief of the Colony of Hong Kong and its Dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the advice of the Legislative Council of Hong Kong.

Title. An Ordinance to establish a proper system of Registration of Colonial Vessels.

[*March* 3, 1855.]

Preamble. WHEREAS many illegal acts have resulted from the improper use of registers granted at Hong Kong under the provisions of the Imperial Acts to vessels employed solely in trading with the mainland of China, and it be necessary that legal trading should be protected and illegal trading prevented:

No British vessel without either an Imperial or Colonial register to use the waters of this Colony. I. Be it therefore enacted and ordained by his Excellency the Governor of Hong Kong, with the advice of the Legislative Council thereof, that from and after the passing of this Ordinance no ship or vessel whatsoever owned by a British subject, shall be at liberty to trade in any of the harbours of this Colony, unless in the case of an outward trading ship or vessel, she be provided with a certificate of registry in conformity with the Imperial Acts of Parliament on that behalf; and in the case of a China trading ship or vessel she has in all respects complied with the requirements of this Ordinance.

Declarations necessary for obtaining register. II. And be it further enacted and ordained, that henceforward when any person or persons shall be desirous of obtaining a register for a ship or vessel in this Colony, it shall be necessary for such person or persons to forward to the Colonial Secretary a declaration, in writing, stating whether the ship or vessel for which such register is sought, is intended to be employed solely in trade with China, or on more distant voyages, and that according to such statement a register shall be granted to such ship or vessel, either an Imperial register, as prescribed by the Imperial Acts in that behalf, or a Colonial register, as laid down in this Ordinance: Provided always, that should such declaration be false, or the ship or vessel to which it relates not be employed in conformity with it, the register thereby obtained, whether Imperial or Colonial, shall *ipso facto* become null and void.

Documents necessary previous to grant of Colonial register. III. And be it further enacted and ordained, that a Colonial register shall be given under the hand of the Governor, Lieutenant-Governor, or officer administering the government of this Colony, on production of the following documents:

The harbour-master's certificate, as hereinafter provided by section VII.

A declaration of ownership, with proof thereof to the satisfaction of the Colonial Secretary.

A joint and several bond of the owner, and two sureties binding each and every of the several obligees under a penal sum of one thousand dollars, to comply with all the provisions of this Ordinance and with all the laws binding on British subjects with regard to trade with China.

Name of Colonial registered ship. IV. And be it further enacted and ordained, that it shall not be lawful for the owner or owners of any Colonial registered ship or vessel to give her any name other than that of her registry, and such owner or owners before such ship or vessel shall after registry take in any cargo or leave this Colony, are required to paint or cause to be painted in white or yellow letters, not less than four inches long, her name upon some conspicuous part of her stern, in a distinct and legible manner, and both in Roman and Chinese characters, and shall so keep and preserve the same, upon pain on breach of the provisions of this section, in addition to any other pains, and penalties, and forfeitures, in this Ordinance contained, to a penalty not exceeding five hundred dollars.

V. Also

V. And be it further enacted and ordained, that the register of every Colonial registered ship or vessel shall be produced once at least every six months to the harbour-master, who shall endorse the date of such production on such register, upon pain on failure of such production of the forfeiture of such register, unless satisfactory cause for such non-production be shown to the Colonial Secretary. Production of Colonial register to harbour-master every six months.

VI. And be it further enacted and ordained, that it shall be lawful for Chinese residents within this Colony to apply for and obtain Colonial registers, provided the person or persons applying as owners be registered lessees of Crown lands within this Colony, and that such owner or owners tender as securities for the due performance by them of all the requirements of this Ordinance two other Crown lessees, and that such owners and such lessees be severally reported by the Registrar-General to the satisfaction of the Colonial Secretary to be each worth two thousand dollars in this Colony; and should such owner or owners be member or members of any shop or partnership, that the seal of such shop or partnership be also affixed to the security to be given by such owner. Chinese Crown lessees entitled to hold Colonial registers.

VII. And be it further enacted and ordained, that the certificate to be granted by the harbour-master do specify the proper measurement of the ship or vessel requiring a Colonial register, and that such ship or vessel has proper anchors and chains, canvas sails, her bottom sheathed with metal, and that her master is a British subject, or a person conversant with the English language. Harbour-Master's certificate.

VIII. And be it further enacted and ordained, that a fee of twenty-five dollars be paid on the granting of the harbour-master's certificate, and that on the issue of every Colonial register a further fee of twenty-five dollars shall be paid to the Colonial Secretary, and that these two sums shall include all charges necessary for the issue of a Colonial register. Fees payable.

IX. And be it further enacted and ordained, that upon any change of ownership in any Colonial ship or vessel registered under this Ordinance, such change as aforesaid shall be indorsed upon her register, under the hand of the Governor, Lieutenant-Governor, or officer administering the Government, upon the payment of a fee of twenty-five dollars to the Colonial Secretary, the requisite declaration of ownership and bond hereinbefore in this Ordinance mentioned and directed being first duly made and executed: Provided always, that any change of master be indorsed upon the Register by the Colonial Secretary, and that a fee of five dollars be charged for the said indorsement. Change of owner or master.

X. And be it further enacted and ordained, that any Colonial register granted under this Ordinance shall be in force and effect for one year from the date of such register and no longer, and that such register be renewable by endorsement on the same, under the hand of the Governor, Lieutenant-Governor, or officer administering the Government, on the payment of a fee of ten dollars: Provided always, that such register be deposited in the office of the Colonial Secretary one week before the expiration of the year for which the register has been granted, or if the registered ship or vessel be at sea, then on her return to the waters of the colony. Duration of Colonial register.

XI. And be it further enacted and ordained, that any infringement of the provisions of this Ordinance shall render the Colonial register *ipso facto* void, and shall render the ship or vessel sailing under such register forfeit to the Crown, in addition to the penalty of the bonds hereinbefore set forth. Penalty for violation of Ordinance.

XII. And be it further enacted and ordained, that all fees payable or penalties imposed under this Ordinance shall be paid into the Colonial Treasury, and shall be recoverable in a summary manner before any magistrate or Justice of the Peace. Application of fees.

XIII. And be it further enacted and ordained, that nothing in this Ordinance contained shall be held to annul or interfere with the registration of boats as established under Ordinance No. 7 of 1846. Registration of boats not interfered with.

(Signed) JOHN BOWRING.

Passed the Legislative Council of Hong Kong, this 3rd day of March, 1855.

(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

No. 3.

Mr. Booth to Mr. Merivale.

Office of Committee of Privy Council for Trade,
Sir, *Whitehall, June* 11, 1855.

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 30th May, transmitting, for the consideration of this Board, an Ordinance of the Legislature of Hong Kong, entitled "An Ordinance to establish a proper system of Registration for Colonial Vessels," and, in reply, I am to request you to point out to Lord John Russell that the Ordinance in question provides for the granting of two kinds of registers of vessels, the one called an Imperial register, and the other a Colonial register.

It provides (section 2) that any person desirous of obtaining a register for a vessel in the Colony must forward to the Colonial Secretary a declaration in writing, stating whether the vessel in question is intended to be employed solely in trade with China, or on more distant voyages, and that according to such statement a register should be granted to such vessel, either an Imperial register as prescribed by the Imperial Acts, or a Colonial register as laid down in the present Ordinance.

It then enacts (in section 6) that Chinese residents within the Colony may obtain Colonial registers, provided the persons applying as owners be registered lessees of Crown lands within the Colony, and that such owners tender as securities for the due performance by them of all the requirements of the Ordinance, two other Crown lessees.

There is nothing in the Act providing that the Chinese residents to whom Colonial registers may be granted should be British subjects, nor are any local limits assigned within which the register is to be in force; and if it be intended that the grant of a Colonial register shall confer on the vessel the rights and privileges attached to a British vessel, it appears to my Lords extremely questionable whether this departure from the Merchant Shipping Act (17 & 18 Vict. cap. 104), according to which British ownership is an essential condition (and, in fact, the only condition) of British registry, should be sanctioned by Her Majesty.

It also appears to my Lords deserving of consideration whether, looking to the effect of registry on the titles to ships, it is desirable to apply to sea-going Colonial ships owned by British subjects a system of registry different from that which is provided for in the Imperial Act.

I am, however, to point out to you that by section 547 of the Imperial Act, the Legislative authority of any British Possession is empowered by any Act or Ordinance, confirmed by Her Majesty in Council, to repeal wholly or in part any provisions of that Act relating to ships registered in such possession, but no such Act or Ordinance is to take effect until such approval has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose.

The Ordinance in question does not appear to have been passed in exercise of the power given by the clause of the Imperial Act just cited, and unless it should appear to Lord John Russell that there are any special circumstances such as to justify the departure from the policy of the Imperial Act as to ownership in the case of vessels registered at Hong Kong, it appears to my Lords that Her Majesty's approval cannot properly be given to the present Ordinance.

I have, &c.
(Signed) JAMES BOOTH.

No. 4.

Lord J. Russell to Governor Sir J. Bowring.

Sir, *Downing Street, June* 22, 1855.

HAVING referred the Ordinance passed by the Legislature of Hong Kong, "to establish a proper system of Registration for Colonial Vessels," for the consideration of the Lords of the Committee of Privy Council for Trade, I transmit, for your information, the copy of their Lordships' reply;* and I have to request that you will transmit to me any observations which you may have to offer on the objections entertained by their Lordships to some of the provisions of this Ordinance.

I have, &c.
(Signed) J. RUSSELL.

No. 5.

Governor Sir J. Bowring to Lord J. Russell.

My Lord, *Victoria, Hong Kong, September* 4, 1855.

I THOUGHT it right to lay before the Acting Attorney-General your Lordship's despatch dated 22nd June, with its inclosure, on the subject of Ordinance No. 4 of 1855, having reference to registers granted in this colony to vessels bearing the British flag, and have now the honour to inclose Mr. Bridge's observations on the subject-matter.

The necessity of legislation was pressed irresistibly on my attention, not only as Governor of Hong Kong, but as Chief Superintendent of British trade in China, in consequence of multitudinous abuses which had grown up, and which were aggravated by the disorganized state of China, and the confusion produced by all those discordant elements in which I had been directed by Her Majesty's Government to preserve a strict neutrality as between political belligerents, while it was frequently impossible to distinguish the marauder and the pirate from those who claimed to be rebels seeking only to overthrow the Manchou Government. And the population of this colony, from its very nature and from the universality of secret associations, could not fail of being engaged in partisanship likely to compromise the British name and the British flag. The difficulty of deciding who is, and who ought, either by right or expediency, to be deemed a British subject in a colony, a large part of whose population is constantly shifting, and in which we have been established only a few years, is a difficulty not only embarrassing as regards the right to claim the British flag, but which presents itself in many other intricate shapes where Chinamen are concerned.

After much conversation with the Acting Attorney-General, and fully aware of the great difficulties of legislation, I instructed him to prepare an Ordinance in which, keeping distinctly in view the provisions of Acts of Parliament, he would propose such measures as were likely to meet the most obvious local requirements of the case. The Ordinance was elaborately discussed in the Legislative Council, and, with the full concurrence of the unofficial commercial members, was unanimously passed; and I am happy to say, its practical operation has been undoubtedly beneficial, and I have no complaints of its enactments except as regards the payment of fees for surveys to non-officials; an evil I have at present no means of remedying—the duty devolving on the harbour-master, who professes his inability to discharge it.

In reference to the operation of this Ordinance, I beg to submit to your Lordship's consideration some observations which have been submitted to me by the Colonial Treasurer, and which are well worthy of attention; for while, on the one hand, it is no doubt desirable that the privileges of hoisting the British flag should not be conceded without proper securities, it is very desirable that Chinamen settled in this colony should be able to appreciate the advantages of their position in the substantial benefits it confers.

I have, &c.
(Signed) JOHN BOWRING.

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* No. 3.

Inclosure 1 in No. 5.

The Acting Attorney-General to the Colonial Secretary.

Sir, *Hong Kong, August* 29, 1855.

I HAVE the honour to acknowledge the receipt of your communication inclosing a despatch from the Secretary of State for the Colonies, on the subject of Ordinance No. 4 of 1855.

Three defects are pointed out by the Home Authorities, in that Ordinance:—

1. The granting of Registers to Chinese, not legally British subjects.
2. The absence of local limits within which the Register is to be in force.
3. The application of a system of registry to sea-going colonial ships, different from that provided for in the Imperial Act.

On referring to the date of the Ordinance, which passed the 3rd of March, 1855, it will be observed, that of Section 547 of the Merchant Shipping Act 1854, advantage could not be taken, as that Act did not come into force until 1st May, 1855.

I am glad to observe that the objections of the Committee of Trade are made subject to the existence of special circumstance, justifying, in this instance, the departure of the Colonial Legislature from the Imperial policy; for it was only owing to extremely special circumstances, and to prevent abuses which might lead to dangerous consequences, that this Ordinance was enacted.

The Colony of Hong Kong, with a Chinese population exceeding, at the present time, 60,000, hardly contains ten Chinese who can legally be called British subjects, for it has not been deemed advisable to naturalize the Chinese here, and the recent settlement of the Colony prevents the possibility of their having become subjects by birth. The great proportion of the respectable part of this population have, however, constituted themselves *bonâ fide* British subjects, by becoming Crown tenants of leaseholds for long terms of years (a tenure of which an alien is incapable), and by permanent settlement have evinced the clearest intention of perfecting themselves, in the persons of their descendants, British subjects *secundum leges*, as well as *de facto*. I, therefore, as Law Adviser to the Crown, deemed it my duty to advise the granting of registers to such Chinese as had, by becoming Crown tenants, so far as in them lay made themselves British subjects, and whose discharge of the obligation taken upon them could be guaranteed by other Crown tenants. But there had been serious complaints from the naval Commander-in-chief, and from the Consular and Chinese authorities, of the abuse by small craft carrying the British flag, of the Treaty regulations, and as the prosperity of this Colony (so much increased of late) depends entirely, so far as regards the native population, upon the coasting trade, which is carried on in vessels ranging between 20 and 100 tons, it was deemed advisable by the Colonial Government, that an Ordinance should be passed, which, in no way interfering with the granting of Imperial registers to long sea-going ships, should yet facilitate the obtaining of English papers of a certain description by Colonial craft, and should also give the Colonial Government means which it could not possess under an Imperial register, of punishing violations of the Treaty with China. It was not thought necessary to fix the local limits within which the Colonial register should run, because the character of the craft which require those registers, and the objects of the local trade, render it a matter of the utmost improbability that a Colonial registered vessel could go anywhere else than along the coast of China; and as the Colonial register is obtained on the strength of a declaration that the vessel is solely to be employed in trade with China, and a falsifying of that declaration involves the penalties of the bond which accompanies the Register, it was hardly deemed necessary to specify any geographical boundaries.

It will be observed that the utmost care was taken not to interfere with any provisions of the Imperial Act touching long sea-going ships, and as the property in these Colonial registered vessels is vested almost entirely in Chinese (whose affairs, made complex by the various ramifications of their peculiar partnerships, and use of several names for the same individual, it would be almost impossible to subject to the Imperial provisions for registry, as regards title to ships), the attention

attention of the Colonial Legislature was not directed to this branch of the ownership of ships; for the more our Chinese residents are left to their own management of their commercial matters, the more they appear to prosper.

This Ordinance has now been in force for several months, with the most beneficial effects, and I most earnestly and respectfully deprecate any alteration of it, as it is only those actually residing in this Colony, and practically acquainted with its most peculiar population and their mode of conducting business, who can be aware of its adaptation for existing exigencies.

Finally, I would again distinctly point out that this Ordinance in no way interferes with the Imperial Act, but has solely a local application

I have, &c.
(Signed) W. T. BRIDGES.

Inclosure 2 in No. 5.

Extract relating to the Working of Ordinance No. 4 of 1855, from the Colonial Treasurer's Memorandum on Estimates.

59. IF anything has been, and will be, pre-eminently beneficial to this Colony, it is that very system of granting Colonial registers, particularly to respectable Chinese settled here, or, as the Ordinance says, "Chinese Crown lessees entitled to hold Colonial registers," since it has already added to, and still tends to increase, the coasting-trade in goods the manufacture of Great Britain, or the produce of India, such as cotton, opium, &c.; and on the other hand, brings to this Colony more of the produce of China for export to Europe and India, or transhipment to other parts of the coast of the Empire.

60. I do not know the laws respecting the granting of ships' registers to Chinese in the Straits Settlements and Java; but I do know that vessels are frequently arriving in this Colony under the British and Dutch flags, which are the property of Chinese in Java, or one of the Straits Settlements; and only yesterday, two fine lorchas passed through this harbour under the Portuguese flag, the owner of which, as also of a square-rigged vessel, is a Chinese at Maçao.

No. 6.

Mr. Booth to Mr. Merivale.

Office of Committee of Privy Council for Trade,
Sir, *Whitehall, November* 30, 1855.

I AM directed by the Lords of the Committee of Privy Council for Trade to state to you, for the information of Her Majesty's Secretary of State for the Colonies, that my Lords, having had under their consideration the despatch of the Governor of Hong Kong, and the report of the Attorney-General of that Colony, transmitted in your letter of the 23d instant, on the subject of the Ordinance passed by the Legislature of that Colony, No. 4 of 1855, "to establish a proper system of registration for Colonial vessels," are of opinion that, in the peculiar circumstances of the Colony of Hong Kong, the Ordinance may properly be left to its operation.

I am at the same time to suggest, for the consideration of Mr. Secretary Labouchere, whether, as some doubts may be entertained as to the lawfulness of the use of the British flag in vessels registered in the name of Chinese residents, as provided by the Ordinance, it might not be desirable that an Ordinance should be passed, under the authority of section 547 of the Imperial Act, declaring that, notwithstanding anything in the Imperial Act, the vessels in question, if possessing a Colonial register, and whilst being navigated within the proposed limits, should be entitled to use the British flag.

I have, &c.
(Signed) JAMES BOOTH.

No. 7.

Mr. Labouchere to Governor Sir J. Bowring.

Sir, *Downing Street, December* 12, 1855.

I HAVE to acknowledge your despatch of the 4th September on the subject of the Ordinance passed by the Legislature of Hong Kong, No 4 of 1855, "to establish a proper system of registration for Colonial Vessels."

Her Majesty's Government having considered your observations and the report of the Attorney-General of the Colony, are of opinion that in the peculiar circumstances of Hong Kong, the Ordinance may properly be left to its operation, and I have accordingly to convey to you Her Majesty's confirmation of the Ordinance in question.

I inclose, however, for your information and guidance, an extract of a letter from the Lords of the Committee of Privy Council for Trade,* suggesting that, as doubts may be raised as to the lawfulness of the use of the British flag in vessels registered in the name of Chinese residents, it might be desirable to pass a further Ordinance providing for that contingency.

I have, &c.
(Signed) H. LABOUCHERE.

No. 8.

Sir J. Bowring to the Earl of Clarendon.—(Received February 4, 1856.)

My Lord, *Hong Kong, November* 22, 1855.

A LONG and fruitless correspondence having taken place between Mr. Consul Alcock and the Imperial Commissioner in reference to lorchas bearing the British flag, seized within the port of Canton for smuggling salt, which lorchas the Chinese authorities had refused to surrender on the requisition of the Consul, I thought it necessary, in order to prevent a repetition of an obvious breach of Treaty, to request the aid of the naval authorities, and to rescue the vessels so improperly detained.

I have the honour to forward copy of a letter from Mr. Acting Vice-Consul Morrison, announcing that Her Majesty's steam-sloop "Rattler" has taken possession of the lorchas.

I also forward copy of a communication I have made to the Imperial Commissioner, which I trust will be approved by your Lordship.

As I have always shown every disposition to prevent Her Majesty's subjects and shipping from violating the laws of China and the engagements of Treaties, and every determination to punish such violations (and I have in this instance directed the Acting Attorney-General to proceed against the parties for breach of the Colonial Ordinance under which the registers were granted), I cannot allow the Chinese authorities to encroach upon my jurisdiction, however little sympathy I may feel for those who disregard the conditions on which the protection and privilege of the British flag have been accorded to them.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure 1 in No. 8.

Acting Vice-Consul Morrison to Sir J. Bowring.

Sir, *Canton, November* 15, 1855.

I HAVE the honour to inform your Excellency that, in accordance with your instructions conveyed in your despatch of 7th November, a boat's crew from Her Majesty's ship "Rattler" yesterday took possession of Hong Kong lorchas, No. 9, belonging to William Anderson, and No. 14, belonging to a Chinese

* No. 6.

Chinese residnet of Hong Kong, which had been seized on the 25th of August last by the Chinese police. I await your Excellency's further orders as to how they are to be disposed of. As soon as I can obtain from the owners a statement of the tackle and appurtenances taken from the lorchas, which had been completely dismantled, I will communicate the same to your Excellency.

I duly acquainted the Chinese Imperial Commissioner with the resumption of the above-mentioned lorchas, and the reasons for the proceeding.

I have, &c.
(Signed) M. C. MORRISON.

Inclosure 2 in No. 8.

Sir J. Bowring to Commissioner Yeh.

Sir, *Hong Kong, November* 21, 1855.

MR. CONSUL ALCOCK has forwarded me copies of his correspondence with your Excellency regarding the seizure and detention by the Canton Customs of certain British lorchas alleged to have been engaged in salt smuggling.

It is provided by Article XII of the Supplementary Treaty that, if any British vessel be detected smuggling, the Chinese authorities shall be at liberty to "seize and confiscate all goods, whatever their nature or value, that may have been so smuggled; and may also prohibit the ship from trading further, and may send her away, as soon as her accounts are adjusted and paid."

Such being the course prescribed by Treaty, the Canton Customs, in seizing and dismantling the lorchas in question, exceeded their authority, and committed a breach of Treaty.

The Consul applied to your Excellency, and was told that the vessels were pseudo lorchas owned by Chinese, and that British subjects were in no way concerned. Your Excellency seems not to be aware that Hong Kong being a British possession, all persons, English, Chinese, or other there residing, may procure registers for boats owned by them, on complying with Colonial Ordinance No. 4 of 1855, of which I inclose a translation. The most important of its conditions, as your Excellency will see, is the giving of a bond by which the owner and two sureties bind themselves, under a penal sum of 1,000 dollars, to comply with all the provisions of the Ordinance affecting registered vessels, and with all laws binding on British subjects with regard to trade in China.

The allegation of smuggling having been made within the port, the smuggled cargo alone was seizable. Over the vessels the British Consul alone had jurisdiction; and his appeal to your Excellency was made, no less with a view to the due punishment of the parties offending, than in consideration of those interests which it is his duty as Consul to protect.

I have applied to our naval authorities to recover the vessels unlawfully detained by the Canton Customs. They have retaken them, and I shall now proceed to punish the guilty parties for their breach of the Ordinance.

I trust that your Excellency will instruct your subordinates to be more cautious in examining the papers of vessels they may have occasion to board. Vessels bearing the British flag, and in any way offending against Chinese law within the five ports, must be complained of to the Consuls. Those found to be carrying it out without authority are liable to serious penalties; but where they are entitled to fly it, the British Navy is instructed to resent unauthorized interference with it as an act of piracy.

Your Excellency will understand that I am simply maintaining the integrity of British jurisdiction. I have no sympathy with the smuggler; and of this, the support I have given to the system which ensures the full payment of all duties at Shanghai should be sufficient evidence. I await but your Excellency's co-operation to introduce the system at all the ports to which we have access.

I have, &c.
(Signed) JOHN BOWRING.

No. 9.

The Earl of Clarendon to Sir J. Bowring.

Sir, *Foreign Office, March* 22, 1856.

I HAVE received your despatch of the 22nd of November last, reporting the steps which you took in consequence of the refusal of the Chinese authorities at Canton to surrender, when required to do so by Her Majesty's Consul, two lorchas bearing the British flag, and which had been seized by them on a charge of being engaged in smuggling salt; and I have to state to you that having consulted the Law Officers of the Crown, Her Majesty's Government are of opinion that you acted properly in calling in the aid of the naval authorities, and in rescuing the vessels so improperly detained.

I am, &c.
(Signed) CLARENDON.

No. 10.

Governor Sir J. Bowring to Mr Labouchere.

My Lord, *Victoria, Hong Kong, June* 5, 1856.

I HAVE the honour to forward authenticated copy of Ordinance No. 9 of 1856, entitled an "Ordinance to explain certain enactments relating to Shipping."

The first clause is inserted in accordance with instructions conveyed in your despatch of 12th December, 1855.

The second is intended to apply to the Colonial Registry Ordinance, No. 4 of 1855, the privilege secured to the Registrar of Shipping by clause 107 of the Merchant Shipping Act, 1854. By this the attendance of the Registrar (here the Colonial Secretary) before a court of justice was rendered unnecessary in the case of an Imperial register, and it is not only reasonable, but advisable, to provide a like exemption in the case of a Colonial register.

Clause 3 meets the case of a Chinese passenger-ship, representing herself as about to clear for Macao, a voyage under seven days' duration, and therefore not coming under the Chinese Passengers' Act, while in reality she is about to make a nominal voyage thither, and proceed elsewhere with her coolies or emigrants.

This clause of course can only affect British ships wherever going, and foreign ships bound to a British colony.

The last clause renders the Ordinance inoperative until the sanction of Her Majesty's Government shall have been received.

I beg therefore to hope that this Ordinance, No. 9 of 1856, may meet your approval, and that you may be enabled to lay it before Her Most Gracious Majesty for confirmation.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 10.

Ordinance.

HONG KONG.

ANNO DECIMO NONO VICTORIÆ REGINÆ.

No. 9 of 1856.

By his Excellency Sir John Bowring, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the advice of the Legislative Council of Hong Kong.

An Ordinance to explain certain Enactments relating to Shipping.

[*May* 29, 1856.]

Preamble. Recites "The Merchant Shipping Act, 1854," and "The Chinese Passengers' Act, 1855."

WHEREAS by "The Merchant Shipping Act, 1854," and "The Chinese Passengers' Act, 1855," the power to amend the said Acts in their application to this Colony is, under certain conditions, reserved to this Legislature, and it is desirable to exercise the aforesaid power in manner hereinafter appearing: Be it enacted and ordained by his Excellency the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

Chinese residents may use the British flag in Colonially registered vessels.

I. The British flag may be lawfully used by any Chinese resident within the meaning of Ordinance No. 4 of 1855, on board of any ship or vessel registered in this Colony in the name of the said resident under the Ordinance aforesaid.

Colonial registers, &c., may be proved by production of originals or copies.

II. Every register, certificate, endorsement, declaration, or bond authorized or required by the said Ordinance, may be proved in any Court of Justice, or before any person having by law or by consent of parties authority to receive evidence, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the Colonial Secretary, or other person who for the time being shall happen to have charge of the original, which certified copy he is hereby required to furnish to every person applying at a reasonable time for the same, and paying therefor the sum of 1 dollar for every such certified copy; and every document, when so proved as aforesaid, shall be received as *primâ facie* evidence of all the matters therein recited, stated, or appearing.

Definition of a voyage of more than seven days' duration.

III. Any Chinese passenger-ship clearing out or proceeding to sea from any port in this Colony, or in China, or within 100 miles of the coast thereof, on any voyage or voyages to any other port or ports, for the purpose of commencing at or from any such port or ports as last aforesaid, a voyage of more than seven days' duration, shall be deemed to have cleared out or proceeded to sea upon the said last-mentioned voyage, from the said first-mentioned port, within the meaning of the "Chinese Passengers' Act, 1855."

Ordinance not to come into operation until confirmed and proclamed.

IV. This Ordinance shall not come into operation until Her Majesty's confirmation thereof shall have been proclaimed in this Colony by his Excellency the Governor.

(Signed) JOHN BOWRING.

Passed the Legislative Council of Hong Kong, this 29th day of May, 1856.

(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

No. 11.

Mr. Farrer to Mr. Merivale.

Office of Committee of Privy Council for Trade,
Sir, *Whitehall, August* 20, 1856.

I AM directed by the Lords of the Committee of the Privy Council for Trade to acknowledge the receipt of your letter of the 9th instant, transmitting, by direction of Mr. Secretary Labouchere, for the consideration of my Lords, the copy of a despatch from the Governor of Hong Kong, with an Ordinance, No. 9 of 1856, entitled "An Ordinance to explain certain Enactments relating to Shipping;" and, in reply, I am to state to you, for Mr. Labouchere's information, that my Lords are of opinion that the Ordinance may properly be submitted to Her Majesty for confirmation.

I have, &c.
(Signed) T. H. FARRER.

No. 12.

Mr. Labouchere to Governor Sir J Bowring.

Sir, *Downing Street, August* 27, 1856.

I HAVE received and laid before the Queen an Ordinance passed by yourself and the Legislative Council of Hong Kong on the 29th of May last, entitled No. 9 of 1856, "An Ordinance to explain certain Enactments relating to Shipping," the transcript of which was inclosed in your despatch of the 5th June.

I have received the Queen's commands to acquaint you that Her Majesty has been pleased to confirm and allow this Ordinance.

You will cause Her Majesty's decision to be signified to the inhabitants of Hong Kong by a proclamation, to be published in the usual and most authentic manner.

I have, &c.
(Signed) H. LABOUCHERE.

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Ms. Rowena T Robinson

on 29 March, 2019

CHINA.

CORRESPONDENCE respecting the Registration of Colonial Vessels at Hong Kong.

Presented to both Houses of Parliament by Command of Her Majesty. 1857.

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